



Jersey

## **STATES OF JERSEY (TRANSFER OF FUNCTIONS – REGULATION OF CARE) (JERSEY) ORDER 2018**

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## **STATES OF JERSEY (TRANSFER OF FUNCTIONS – REGULATION OF CARE) (JERSEY) ORDER 2018**

*Made*

*20th December 2018*

*Coming into force*

*1st January 2019*

**THE CHIEF MINISTER**, in pursuance of Article 29A of the States of Jersey Law 2005<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order –

“receiving Minister” means the Chief Minister;

“transferring Minister” means the Minister Health and Social Services.

### **2 Functions of Minister of Health and Social Services transferred**

- (1) There are transferred from the transferring Minister to the receiving Minister the functions with respect to the making of Orders under the following enactments (as in the case of that mentioned in subparagraph (c) it is amended by Schedule 2 to the Regulation of Care (Regulated Activities) (Jersey) Regulations 2018<sup>2</sup>) with respect to the making of Orders –
  - (a) the Health Care (Registration) (Jersey) Law 1995<sup>3</sup>;
  - (b) the Medical Practitioners (Registration) (Jersey) Law 1960<sup>4</sup> other than Article 10C;
  - (c) the Nursing Homes (Jersey) Law 1994<sup>5</sup>;
  - (d) the Opticians (Registration) (Jersey) Law 1962<sup>6</sup>;
  - (e) the Piercing and Tattooing (Jersey) Law 2002<sup>7</sup>.
- (2) The Schedule has effect for the purposes of the amendment of the enactments listed in paragraph (1).

### **3 Connected rights and liabilities transferred**

- (1) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the functions transferred by Article 2 are transferred to

the receiving Minister and become the rights and liabilities of that Minister.

- (2) A provision of a contract or other instrument that specifies that a right or liability of the transferring Minister is incapable of transfer is, to the extent that it applies to a right or liability transferred by paragraph (2), of no effect.
- (3) The operation of paragraph (1) is not regarded –
  - (a) as a breach of contract or confidence or otherwise as a civil wrong;
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
  - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.

#### **4 Transitional provisions**

- (1) The transfer effected by Article 2 does not prejudice the operation of any appointment, approval, authorization, consent, delegation, determination, direction, instruction, requirement or other thing that is, before this Order comes into force, made, given or done by the transferring Minister in relation to the functions, rights and liabilities so transferred, but such matter, if then in force, continues in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Minister.
- (2) Anything commenced before this Order comes into force by or under the authority of the transferring Minister may, so far as it relates to any of the functions, rights and liabilities transferred by Regulations 2 and 3, be carried on and completed by or under the authority of the receiving Minister.
- (3) Where, on commencement of this Order, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the functions, rights and liabilities transferred by Articles 2 and 3, the receiving Minister is substituted in the proceeding for the transferring Minister and the proceeding shall not abate by reason of the substitution.

#### **5 Citation and commencement**

This Order may be cited as the States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018 and comes into force on 1st January 2019.

**SENATOR J.A.N. LE FONDRÉ**

*Chief Minister*

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**SCHEDULE**

(Article 2)

**AMENDMENT OF ENACTMENTS**

**1 Health Care (Registration) (Jersey) Law 1995**

- (1) The Health Care (Registration) (Jersey) Law 1995<sup>8</sup> is amended as follows.
- (2) In Article 1(1) in the definition “prescribed” for the word “Minister” there are substituted the words “Chief Minister”.
- (3) In Article 17(2) and (3)(c) for the word “Minister” there are substituted the words “Chief Minister”.

**2 Medical Practitioners (Registration) (Jersey) Law 1960**

- (1) The Medical Practitioners (Registration) (Jersey) Law 1960<sup>9</sup> is amended as follows.
- (2) In Article 1(1) for the word “Minister” in the definition “prescribed” there are substituted the words “Chief Minister”.
- (3) In Article 12A for the word “Minister” there are substituted the words “Chief Minister”.

**3 Nursing Homes (Jersey) Law 1994**

- (1) The Nursing Homes (Jersey) Law 1994<sup>10</sup> is amended as follows.
- (2) In Article 1(1) for the word “Minister” in the definition “prescribed” there is substituted the words “Chief Minister”.
- (3) In Article 3(2)(b) for the word “Minister” there are substituted the words “Chief Minister”.
- (4) In Article 15(1), (2) (where it first appears) and (3) for the word “Minister” there are substituted the words “Chief Minister”.

**4 Opticians (Registration) (Jersey) Law 1962**

- (1) The Opticians (Registration) (Jersey) Law 1962<sup>11</sup> is amended as follows.
- (2) In Article 1(1) in the definition “prescribed” for the word “Minister” there are substituted the words “Chief Minister”.
- (3) In Articles 7(1) (where it first appears) and 18(1), (2) and (3) for the word “Minister” there are substituted the words “Chief Minister”.

**5 Piercing and Tattooing (Jersey) Law 2002**

- (1) The Piercing and Tattooing (Jersey) Law 2002<sup>12</sup> is amended as follows.
- (2) In Article 1(1) in the definition “prescribed”, for the word “Minister” there are substituted the words “Chief Minister”.
- (3) In Article 12(1) and (3) for the word “Minister” there are substituted the words “Chief Minister”.

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- 1* chapter 16.800
  - 2* R&O.118/2018
  - 3* chapter 20.300
  - 4* chapter 20.600
  - 5* chapter 20.725
  - 6* chapter 20.750
  - 7* chapter 20.900
  - 8* chapter 20.300
  - 9* chapter 20.600
  - 10* chapter 20.725
  - 11* chapter 20.750
  - 12* chapter 20.900